

REMARKS/ARGUMENTS

~~Claims 1-23 are pending in this application. Claims 1, 8, and 15 are independent claims.~~

Claim Rejections – 35 USC § 102

Claims 1, 5, 8, 12, 15, 19, and 22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chan (“Chan”, U.S. Patent No. 6,600,908). Applicant respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claim 1 recites “means for detecting digital audio connected to said speaker input” and “a multiplexer for switching ... when said means to detect digital audio detects a digital audio signal” (emphasis added). In rejecting Claim 1, the Patent Office has apparently analogized the control logic 352 and the signal switch 342 shown in FIG. 5B of Chan to “means for detecting digital audio” and “a multiplexer” claimed in Claim 1, respectively (Office Action, pages 2-3). Applicant respectfully disagrees.

As indicated in Chan,

a control logic 352 is used to interface between the buttons of FIG. 1 and electrical portion 330. When the listener presses index button 110, control logic 352 looks up a register 356 that stores the set code that is being processed (e.g., A1). It delivers to memory management unit 350 this set code and a request to retrieve the corresponding index material. Memory management unit 350 retrieves the corresponding data in the index area and sends it to decompressor 354. At about the same time, control logic 352 directs signal switch 342 to connect decompressor 354 to D/A converter 358 (emphasis added) (Chan, col. 10, ll. 50-60).

Thus, the control logic 352 of Chan is *not* for detecting digital audio and therefore

cannot be analogized to “means for detecting digital audio” claimed in Claim 1. Thus, Chan fails to teach, disclose, or suggest “means for detecting digital audio”, as claimed in Claim 1. Furthermore, since “[a]t about the same time, control logic 354 directs signal switch 342 to connect decompressor 354 to D/A converter 358” (see Chan, above), the signal switch 342 functions in response to a direction from control logic 354, *not* “when said means to detect digital audio detects a digital audio signal” (emphasis added), as claimed in Claim 1. Thus, Chan fails to teach, disclose, or suggest “a multiplexer for switching ... when said means to detect digital audio detects a digital audio signal” as claimed in Claim 1. At least based on the foregoing described reasons, independent Claim 1 should be allowed. Dependent Claim 5 depends from Claim 1 and is therefore allowable due to its dependence.

Independent Claim 8 recites “means for detecting digital audio” and “a multiplexer for switching ... when said means for detecting digital audio detects a corresponding digital audio content”. Independent Claim 15 recites “means for detecting digital audio” and “a means to switch ... corresponding to the detection of the digital signal in the speaker input signal”. For the above-indicated similar reasons applied to Claim 1, Claims 8 and 15 should be allowed.

Claim 12 depends from Claim 8 and is therefore allowable due to its dependence. Claims 19 and 22 depend from Claim 15 and are therefore allowable due to their dependence.

Claim Rejections – 35 USC § 103(a)

Claims 1, 2-4, 8-12, 15-18, and 22-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Porrazzo et al. (“Porrazzo”, U.S. Patent Number 5,872,855). Claims 7, 14 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan and Baker et al. (“Baker”, U.S. Patent Number 6,185,627). Claims 6, 13 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chan and Shdema et al. (“Shdema”, U.S. Published Patent Application 2002/0072816). Applicant respectfully traverses these rejections.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a

reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

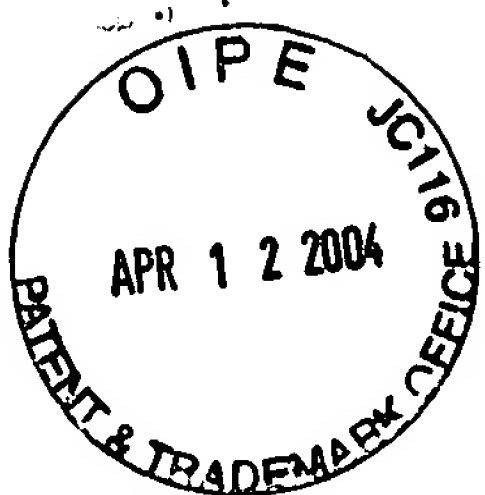
Independent Claim 1 recites an element of "a multiplexer for switching ... when said means to detect digital audio detects a digital audio signal" (emphasis added). In rejecting Claim 1, the Patent Office first admitted that "*Porrazzo* does not expressly teach a multiplexer or switch for changing said speaker input from the analog signal to a digital to analog converter when digital audio is detected." (Office Action, page 4, lines 10-12). Then, the Patent Office went ahead to allege that *Porrazzo* teaches the above-indicated element "because *Porrazzo* teaches automatic detection of a digital source or an analog source and capturing/converting the digital source to an analog source, if needed, before sending the digital source to the loudspeaker" (Office Action, page 4, last 3 lines).

Apparently, the Patent Office has misunderstood Claim 1, which recites the element of "a multiplexer for switching ... when said means to detect digital audio detects a digital audio signal" (emphasis added). None of the "internal switches" in *Porrazzo* switches "from said speaker input to the analog signal from the digital-to-analog converter when said means to detect digital audio detects a digital audio signal" (emphasis added), as claimed in Claim 1. Applicant herein respectfully asks the Patent Office to pinpoint where in *Porrazzo* was the element of "a multiplexer for switching ... when said means to detect digital audio detects a digital audio signal," as claimed in Claim 1, taught, disclosed, or suggested.

Because *Porrazzo* fails to teach, disclose, or suggest the element of "a multiplexer for switching ... when said means to detect digital audio detects a digital audio signal," as claimed in Claim 1, the rejection of Claim 1 should be withdrawn and Claim 1 should be allowed.

Claims 2-4 and 6-7 depend from Claim 1 and are therefore allowable due to their dependence.

Independent Claim 8 recites "a multiplexer for switching ... when said means for detecting digital audio detects a corresponding digital audio content". Independent Claim 15 recites "a means to switch ... corresponding to the detection of



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the digital signal in the speaker input signal". For the above-indicated similar reasons applied to Claim 1, the rejection of Claims 8 and 15 should be withdrawn and Claims 8 and 15 should be allowed.

Claims 9-11 and 13-14 depend from Claim 8 and are therefore allowable due to their dependence. Claims 16-18 and 20-23 depend from Claim 15 and are therefore allowable due to their dependence.

CONCLUSION

In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
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